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June 20, 1996

Mr. William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

**JOHN J. DAVIS
& ASSOCIATES**

Re: MM Docket No. 96-120, RM-7651

Dear Mr. Caton:

Enclosed is an original and five copies of my Comments in the above referenced Notice of Proposed Rule Making related to Grandfathered Short-Spaced FM Stations.

Very truly yours,



John J. Davis, P.E.
Consulting Engineer

No. of Copies rec'd 025
List ABCDE

P.O. BOX 128
SIERRA MADRE
CALIFORNIA 91024-0128
(818) 355-6909

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Before the
FEDERAL COMMUNICATIONS COMMISSION FCC 96-236
Washington, D.C. 20554

In the matter of)	
)	
Grandfathered Short-Spaced)	MM Docket No. 96-120
FM Stations)	RM-7651

COMMENTS

To William F. Caton, Acting Secretary, Federal Communications Commission:

1. I, John J. Davis, consulting engineer, with offices in Sierra Madre, California, do hereby file these comments in the above Notice of Proposed Rule Making (NPRM). I support the Commission's proposal to revise Rule Section 73.213(a) as outlined in Proposal 1, 2 and 3 of the NPRM¹. This proposal is long overdue. The current rule section is unduly restrictive especially for those grandfathered FM stations whose protected contour is completely enclosed within another grandfathered station's contour. In such cases, there is virtually no possibility of being able to relocate a transmitter site without a waiver of the Rules. These waiver requests consume the Commission's valuable resources. The current proposal will greatly reduce and possibly eliminate these waiver requests.

¹ Paragraph 8, Page 4 of the NPRM.

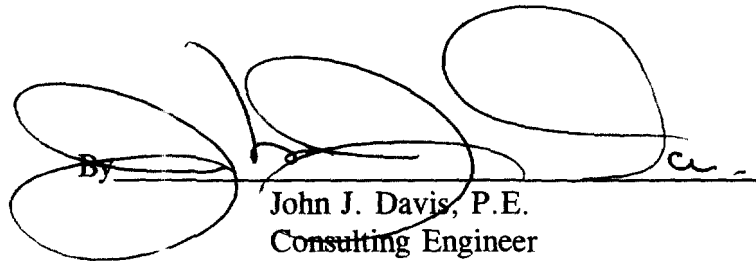
2. As pointed out in the NPRM, the problem of interference is mainly with co-channel and first adjacent channel stations. Second and third adjacent channel stations contribute very little to existing interference due to the fact that such interference is confined to an area around the transmitter site(s) which is generally lightly populated. Any interference that does exist results in a substitution of one signal for another, not a loss of service and modern FM receivers (even inexpensive receivers) are capable of separating second and third adjacent channel stations even in the presence of very strong interference signals.

3. The use of protection ratios to determine co-channel and first adjacent channel interference is also appropriate. While the use of overlapping contours may prove simpler than determining interference areas using the appropriate D/U ratio, it is, nevertheless, inaccurate. What is important, is to determine where the interference exists and that can only be determined by knowing where the interfering signal exceeds the desired signal by the appropriate ratio.

4. An example of how restrictive the current Rule Section 73.213(a) is, consider the case of Stations KKHI, San Rafael, and KIOI, San Francisco, both California. KIOI is a superpowered grandfathered Class B FM station operating with an ERP of 125 kW and a HAAT of 354 meters, which makes it one of the most powerful, if not the most powerful, FM station in the western United States. In contrast, KKHI is a Class A station which currently operates with 0.91 kW and a HAAT of 247 meters on a third adjacent channel to KIOI. KKHI was licensed prior to November 16, 1964 and has been short-spaced to KIOI since that time. This is truly an example of *David(6 kW) and Goliath(125 kW)*. The entire KKHI 60 dBu protected field strength contour is completely contained within the KIOI 54 dBu field strength contour. KKHI is currently prevented, by the provisions of Section 73.213(a), from moving any closer

to KIOI. KKHI recently filed an application to relocate its transmitter site (FCC File No. BMPH-960311IB). This application proposed a site relocation, where the proposed new site is only 0.59 km closer to KIOI than the current site, but this application can presently only be granted by a waiver of Section 73.213(a). Another example is Class A Station KBUE, Long Beach, and grandfathered short-spaced Class B Station KKGO, Los Angeles. KBUE has filed an application to upgrade to a 6 kW Class A station but cannot do so without a waiver of Section 73.213(a).

4. In summary, the changes proposed in the NPRM are long overdue. The Commission's proposal will restore the historic and beneficial provisions of the former 73.213(a) while maintaining a "no net increase in interference" standard with respect to co-channel and first adjacent channel grandfathered stations when site change and facility improvements are requested.


By _____
John J. Davis, P.E.
Consulting Engineer

P.O. Box 128
Sierra Madre, CA 91025-0128
Voice: (818) 355-6909
FAX: (818) 355-4890

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